

EXHIBIT 47

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity as
SECRETARY OF THE U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-00196

DECLARATION OF JOHN DOE 2

I, John Doe 2, an employee at the National Institute for Occupational Safety and Health (NIOSH, the Institute), declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein through personal experience, through conversations with my colleagues, and through review of the records to which I have access.

2. I submit this Declaration in support of the States' Motion for a Preliminary Injunction. I am doing so anonymously, and withholding certain identifying details, because I am still employed by the Federal Government and fear retaliation for my participation in this lawsuit.

3. Until I was recently placed on administrative leave as a result of the Department of Health and Human Services' (HHS') reduction in force, I worked full-time at the NIOSH facility in Spokane, Washington, where I had worked for many years in the Spokane Mining Research Division. Given my position and experience, I am very familiar with the operations and structure of the NIOSH Spokane facility and with NIOSH as a whole.

4. NIOSH is responsible for conducting research and making recommendations for preventing work-related injuries and illnesses. The Institute seeks to improve worker health and safety across all types of workplaces, including mines, fire departments, oil and gas wells, construction sites, small businesses, and hospitals. The Institute conducts investigations of occupational health and safety concerns, often at the request of businesses and other organizations; researches occupational hazards; develops guidance to address those hazards; and provides graduate and post-graduate training on occupational health and safety through its Education and Research Centers.

5. NIOSH's responsibilities to conduct research and investigations, develop guidance, and provide training on occupational health and safety are mandated by the Occupational Safety and Health Act, 29 U.S.C. §§ 669–71, among other statutes. Most NIOSH employees are based in research laboratories and offices in Cincinnati, Ohio; Morgantown, West Virginia; Pittsburgh, Pennsylvania; Spokane, Washington; Washington, D.C.; Atlanta, Georgia; and Denver, Colorado.

6. On January 21, 2025, then-Acting Secretary of HHS, Dorothy A. Fink, sent a memo that essentially required HHS employees, including myself and others who work at NIOSH, from engaging in outside communication unless that communication was explicitly approved by a Presidential Appointee:

THROUGH: Wilma M. Robinson, Ph.D., Deputy Executive Secretary

FROM: Dorothy A. Fink, MD, Acting Secretary

DATE: January 21, 2025

SUBJECT: Immediate Pause on Issuing Documents and Public Communications – ACTION

As the new Administration considers its plan for managing the federal policy and public communications processes, it is important that the President's appointees and designees have the opportunity to review and approve any regulations, guidance documents, and other public documents and communications (including social media). Therefore, at the direction of the new Administration and consistent with precedent, I am directing that you immediately take the following steps through February 1, 2025:

1. Refrain from sending any document intended for publication to the Office of the Federal Register until it has been reviewed and approved by a Presidential appointee. Please note that the Office of the Executive Secretary (Exec Sec) withdrew from OFR all documents that had not been published in the Federal Register to allow for such review and approval.
2. Refrain from publicly issuing any document (e.g., regulation, guidance, notice, grant announcement) or communication (e.g., social media, websites, press releases, and communication using listservs) until it has been reviewed and approved by a Presidential appointee.
3. Refrain from participating in any public speaking engagement until the event and material have been reviewed and approved by a Presidential appointee.
4. Coordinate with Presidential appointees prior to issuing official correspondence to public officials (e.g., members of Congress, governors) or containing interpretations or statements of Department regulations or policy. Nothing in this guidance is intended to limit an employee's personal correspondence with members of Congress or other third parties, including an employee's whistleblower protected communications.
5. Notify Exec Sec promptly of any documents or communications that you believe should not be subject to the directives in paragraphs 1-4 because they are required by statute or litigation; affect critical health, safety, environmental, financial, or national security functions of the Department; or for some other reason. Please provide the title, a brief summary, the target release date, and the rationale for expedited release to your Exec Sec Policy Coordinator.

The President's appointees intend to review documents and communications expeditiously and return to a more regular process as soon as possible.

7. That communications directive, which heavily limits our ability to share research or engage in any outside communications, remains in effect to this day.

8. On March 27, 2025, the HHS Press Office released "HHS Announces Transformation to Make America Healthy Again," which outlined a directive to lay off employees and reorganize the agency. HHS also announced it would commence a reduction in force of

approximately 10,000 full-time employees, and NIOSH would be wholly subsumed into a new sub-agency within HHS, the “Administration for a Healthy America.”

9. On April 1, 2025, I received a “Notice of Reduction in Force” that stated the following:

FROM: Tom Nagy, Chief Human Capital Officer

SUBJECT: Specific Notice of Reduction in Force

In accordance with President Donald Trump’s Executive Order 14210, dated February 11, 2025, and the Department of Health and Human Services’ (HHS) broader reorganization strategy to improve its efficiency and effectiveness to make America healthier, HHS is executing a Reduction in Force (RIF). This memorandum constitutes a specific notice of a RIF.

I regret to inform you that you are being affected by a RIF action. This RIF is necessary to reshape the workforce of HHS.

10. The Notice gave no other reason for my termination, other than to inform me that all employees in my competitive area would also be separated. The Notice also said my “duties have been identified as either unnecessary or virtually identical to duties being performed elsewhere in the agency” without further explanation.

11. Based on my conversations with my colleagues, nearly all of my fellow NIOSH Spokane employees also received RIFs (or intent to RIF), as well as the vast majority (over 93%) of employees across NIOSH. During this time, the affected employees were placed on administrative leave and not permitted to fulfill their job responsibilities unless otherwise directed by leadership.

12. On April 30, 2025, I, along with all other NIOSH personnel, received an email from NIOSH Director John Howard (who also received a RIF on April 1), seemingly confirming the media reporting that “some” NIOSH employees would be brought back from administrative leave on a “temporary” basis until their official separation. The email stated the following:

Colleagues:

I want each of you to know that your work is valued, not only within our Institute, but across the Nation. I also want to acknowledge that the past few months have been challenging and frustrating as we have seen a significant amount of NIOSH's work be impacted by reductions in our staff and recent Reduction in Force (RIF) notices sent out on April 1st. The significant number of RIF notices sent to staff, including myself, across NIOSH and CDC has created confusion and gaps in information that we are continuing to try to fill. These challenges have resulted in limited communication during a time when I know many are seeking guidance and answers.

In the last four weeks, we have seen a significant number of our partners speak up about the impact NIOSH research and service programs has had in improving and protecting the health and safety of all workers. The work you have done throughout your time at NIOSH has had lasting and meaningful impact in the lives of everyday workers.

We are still uncertain about what the future holds. This week we saw some NIOSH staff be brought back from administrative leave to continue their work. Currently, this is a temporary arrangement to help complete our obligations within these programs. Additionally, we are continuing to work with CDC to understand how to transfer and archive NIOSH's significant body of work so that it continues to be available to other researchers and our partners in the occupational safety and health community. For those programs who will be moving to the Administration for a Healthy America (AHA), we are also working with HHS to understand how that transition will occur.

While I cannot say what the future will be, I can say that it is my honor and privilege to work beside so many talented and dedicated individuals. You are each shining examples of what it means to be public servants.

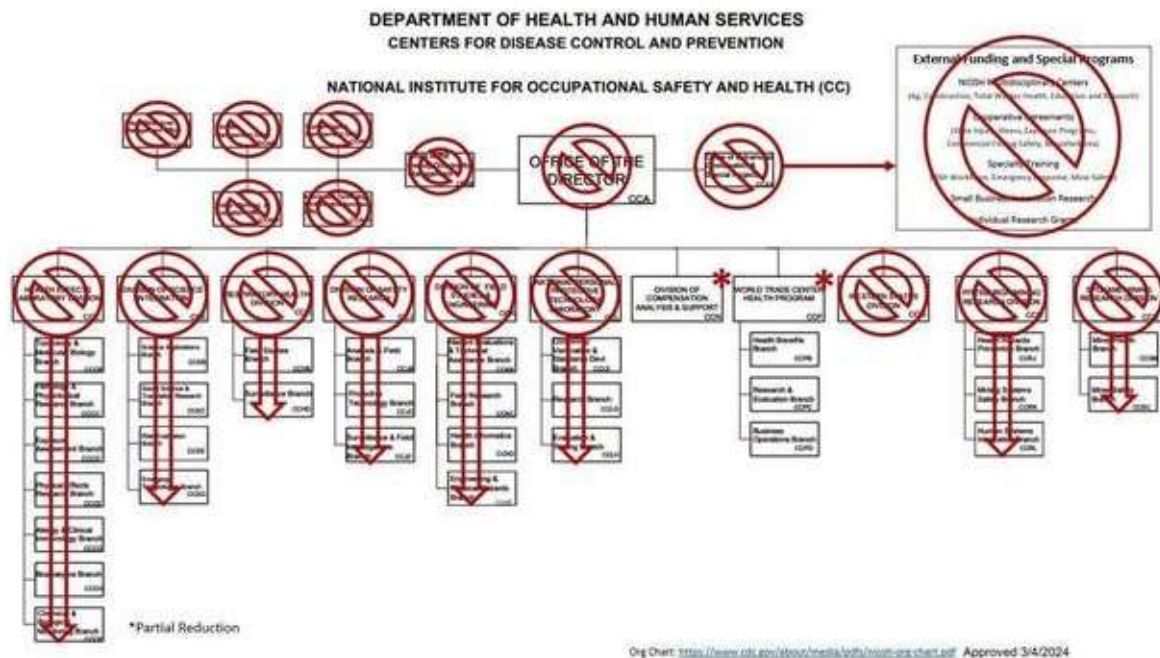
JH

13. On May 2, 2025, I learned from my colleagues, as well as a CBS News publication, that the vast majority of the remaining NIOSH employees who were not included in the April 1, 2025 RIF had just received RIF notices that also placed them on administrative leave, with their official separation date on July 2, 2025.¹ This batch of NIOSH employees largely consisted

¹Alexander Tin, *Worker safety agency NIOSH lays off most remaining staff*, CBS News (May 3, 2025) <https://www.cbsnews.com/news/worker-safety-agency-niosh-lays-off-most-remaining-staff/>.

of employees within the NIOSH bargaining unit who were entitled to receive certain legal notices of reduction in force.

14. The CBS News article also included an annotated organizational chart of NIOSH. While I did not annotate the chart myself, based on my experience and knowledge as a NIOSH employee, I believe this annotated chart accurately reflects the eliminations at NIOSH following the RIFs:



15. Because of the scale of these RIFs, the NIOSH Spokane facility, which houses both the Spokane Mining Research Division and the Western States Division, will be functionally inoperable after June 2, 2025. Following the first round of official separations on June 2, 2025, the research laboratories in NIOSH Spokane, including those that use largely immobile specialized equipment, will lose nearly all of its supervisors—and after July 2, 2025, all of the personnel trained to use the laboratory equipment. The mining research done in Spokane will lose all of the employees providing its direction and expertise, and will effectively cease to exist.

16. Based on my knowledge and experience, I do not think that the NIOSH can meet its statutory obligations to administer its congressionally-mandated programs if these RIFs are fully implemented. A 93% (or more) reduction in the NIOSH workforce means that the Institute will effectively be eliminated, and in my opinion will not be able to address work-related health and safety concerns, conduct the research mandated by statute, maintain the registries and programs for miners and firefighters, or conduct any health hazard evaluations. I do not see any possible way the few remaining NIOSH employees in specific programs will be able to complete the additional work of the vast majority of other NIOSH employees who are subject to the RIF. I and my colleagues in NIOSH Spokane were provided no direction or opportunity to facilitate the transfer of our work to anyone else at NIOSH or within HHS.

17. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

JOHN DOE 2
JOHN DOE 2, NIOSH EMPLOYEE
Spokane, Washington

Date: May 7, 2025